

WILKINSON, BARKER, KNAUER & QUINN

LAW OFFICES

1735 NEW YORK AVENUE, N.W.
WASHINGTON, D. C. 20006-5209

(202) 783-4141

GERMAN OFFICE

GOETHESTRASSE 23

60313 FRANKFURT A.M., GERMANY

OII-49-89-20876

OII-49-69-297-8453 (TELECOPIER)

TELECOPIER

(202) 783-5851

(202) 833-2360

RECEIVED

MAY 16 1996

May 16, 1996 FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

VIA HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, DC 20554

DOCKET FILE COPY ORIGINAL

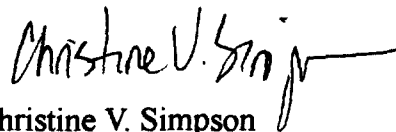
Re: Comments of Sunbury Broadcasting Corporation. MM Docket No. 96-58 -- In the Matter of Amendments of Part 73 and 74 of the Commission's Rules to Permit Certain Minor Changes in Broadcast Facilities Without a Construction Permit

Dear Mr. Caton:

We hand you herewith, on behalf of Sunbury Broadcasting Corporation, permittee of Station WKOK-FM (Northumberland, PA), an original and seven copies of its comments in the above-referenced proceeding.

Should you have any questions concerning this submission, kindly contact the undersigned.

Sincerely,



Christine V. Simpson

CVS/srm
Enclosure

No. of Copies rec'd
List ABCDE

47

Sunbury Broadcasting Corporation

WKOK-AM

10,000 Watts

1,000 Watts Night

1070 AM Stereo

WKOK-FM

Northumberland

6,000 Watts

107.3 FM

WQKX-FM

50,000 Watts

94.1 FM - 94KX

In the Matter of

Amendment of Parts 73 and 74
of the Commission's Rules To
Permit Certain Minor Changes in Broadcast
Facilities Without a Construction Permit

RECEIVED

MAY 16 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

COMMENTS OF SUNBURY BROADCASTING CORPORATION

The Sunbury Broadcasting Corporation ("Sunbury") is permittee of WKOK-FM, Northumberland (license application pending BLH-940805KC) and is directly affected by the proposed codification of the staff's current policy (*Requirement that FM Measured Directional Composite Pattern Fill 85% Or More of FM Directional Composite Pattern*) as outlined in Paragraph 25 of the Notice of Proposed Rule Making. A letter from the Commission staff to us is specifically referenced in this paragraph.

Sunbury is aware that the consulting engineering firm of duTreil, Lundin & Rackley, Inc. is filing comments with the Commission on this rulemaking and that the firm has commented extensively on this particular proposal. We fully support the opinions and position of the duTreil firm on this issue. In addition, we wish to express our concerns about the fairness of the Commission's proposal, as it would be applied to Sunbury.

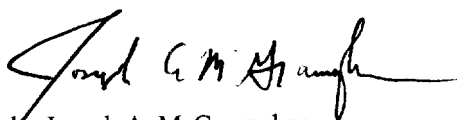
The construction of the Northumberland FM station was not something Sunbury approached lightly. We engaged the services of the highly respected duTreil engineering firm, hired the best antenna design and construction firm and consulted regularly with our communications counsel in Washington. In short, we took every conceivable precaution to make certain that our design and construction were in compliance with the letter and spirit of the *known* Commission Rules and Regulations. To be told after the fact that the Commission staff has an unpublicized standard which we failed to meet (by a narrow margin), and that our failure to meet that standard could result in our being treated differently than other applicants, goes against every conceivable standard of fairness.

We realize the staff may have some standard for engineering issues not specifically addressed in the existing rules and regulations. However, if we, as the permittee, are to be held accountable for compliance with a such a standard, we (and more importantly our engineering consultants) must be aware of its existence prior to expending large sums of money, in good faith, for the design and construction of a new facility.

Regardless of the outcome of this attempt to codify the "staff's standard" in this area, we urge you to sever Sunbury from this process and to grant the pending license application for WKOK-FM, as submitted.

Respectfully submitted,

SUNBURY BROADCASTING CORPORATION



by Joseph A. McGranaghan
Executive Vice-President
May 15, 1996

P. O. Box 1070
Sunbury, Pa. 17801

Phone
(717) 286-5838
(717) 743-1841
Fax
(717) 743-7837